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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,556	02/20/2002	David W. Andrews	2322-0495	4278
27111	7590	05/13/2004	EXAMINER	
BROWN, MARTIN, HALLER & MCCLAIN LLP 1660 UNION STREET SAN DIEGO, CA 92101-2926			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/081,556

Applicant(s)

ANDREWS, DAVID W.

Examiner

Igor Borissov

Art Unit

3629

*ML*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

**Claims 19-27 and 36-38 are rejected under 35 U.S.C. 102(e) as being unpatentable over Sehr (U. S. 6,085,976).**

Sehr teaches a travel system utilizing multi-application passenger cards, comprising:

As per claims 19 and 36, a central computer (C. 4, L. 10-11); a database connected to the central computer (C. 5, L. 11-15); a processor (C. 4, L. 39-40); a plurality of computer terminals (*mass transit devices*) each including a smart card reader/writer and a processor (C. 6, L. 45-49).

As per claim 20, said system and method wherein said computer terminals (*mass transit devices*) are provided at a parking lot (C. 42, L. 43-49).

As per claims 21 and 31, said database includes information related to the parking lot (C. 42; L. 52-56).

As per claim 22, see claim 20. Information as to *sharing of price point table* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). Thus the structural limitations of claim 22 are disclosed in Sehr as described herein. Also, as described, the limitations of claim 22 do not distinguish the claimed apparatus from the prior art.

As per claims 23-24, see claim 19. Information as to *determining of a start date* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

As per claim 25, see claim 19. Information as to *storing data for up to twenty eight days* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

As per claim 26, said system including: a database (C. 5, L. 55 – C. 6, L. 15); and a processor/control module (*analyzer and adjustor*) connected to the database (C. 6, L. 45-49; C. 33, L. 65). Information as to *determining whether the fare data meets requirements* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

As per claim 27, said system including: a database (C. 5, L. 55 – C. 6, L. 15); and a processor/control module (*adjustor*) connected to the database (C. 6, L. 45-49; C. 33, L. 65). Information as to *determining credits due* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

As per claim 37, see claim 36. Information as to *rolling time period* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

As per claim 38, said system including: a database (C. 5, L. 55 – C. 6, L. 15); and a processor/control module (*analyzer and adjustor*) connected to the database (C. 6, L. 45-49). Information as to *determining credits due* is non-functional language and given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a **person** having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. 6,085,976) in view of Tracy (US 6,550,672).**

Sehr teaches travel system and method utilizing multi-application passenger cards, comprising:

As per claim 28, compiling and storing specific applications on a smart card having a value equivalent of travel ticket valid for a predetermined period of time (C. 29, L. 29-40); calculating by a control module a necessary fare value and deducting said fare value from a value stored on the smart card (C. 33, L. 51-60). Calculating by the control module the necessary fare value obviously indicates providing price-related information to the control module. However, Sher does not specifically teach that said price-related information is structured as a price point table.

Tracy et al. (hereinafter Tracy) teaches a method and system for a portable shopping terminal, including: a central/facility controller, a database comprising a *price lookup table*, a self-checkout controller, and a card reader electrically coupled to said self-checkout controller, wherein a price component for a selected by a customer product is communicated (*downloaded*) from said *price lookup table* to the self-checkout controller (C. 18, L. 18-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sehr to include that said price-related information is structured as a price point table, as disclosed in Tracy, because without providing indication in a specification that the *lookup table* type of database organization provides

the advantage over the prior art, it appears that the decision how to organize data in a database is a matter of business choice.

Also, paying by a credit card obviously include comparing a value recorded on the smart card with the price component of the price point table; said price component corresponding to the selected product.

As per claim 29, see claim 28. As to *downloading monetary adjustment to the smart card* it is well known to credit or debit a customer account for adjustments.

As per claim 30, said method, wherein mass transit devices comprise parking lot structures (C 42, L. 43-64).

As per claim 31, said method, wherein the at least one price component is a to parking lot related information (C 42, L. 43-64).

As per claim 32, said the central computer including a database/application is accessible by a plurality of remote computer terminals (*mass transit devices*) (C. 29, L. 46-49).

As per claim 33, said method, wherein the particular applications are issued for a predetermined time period (C 29, L. 35-46), thereby obviously indicating a start and end dates.

As per claim 34, see claim 33.

As per claim 35, see claim 33.

### ***Response for Arguments.***

Applicant's arguments in respect to claims 19-38 have been fully considered but are moot in view of new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

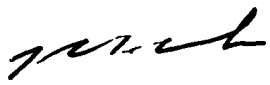
***Commissioner of Patents and Trademarks***  
***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

SB

  
**JOHN G. WEISS**  
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